IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3216 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

State of Maharashtra ..Appellants

versus

Ramdas Shankar Patil & Anr. ..Respondents

Mrs. A. S. Pai, APP for the Appellants - State.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE, JJ.

DATE : 11TH JULY, 2006

P.C. :

1. Heard learned APP for the Applicants - State.

2. This is an application for leave to file appeal by the State against acquittal of the respondents. Both the Respondents were accused Nos. 1 and 2 respectively. They were tried for offence under Section 325, 323, 504, 306 r/w. 34 of IPC, they were acquitted. Hence, this appeal.

3. The main reason for acquittal is that brother of the accused No.1 had lodged complaint to the police about the same incident and counter case under Section 307 was registered against the complainant. The trial court came to the conclusion that the complainant in this case were aggressors, they used a more force than necessary, resulting in hospitalisation of accused Ramdas for about two months. The documents in that regard were produced. Accused Ramdas had incised wound over his head with fracture right parietal bone with brain injury. Accused Mahesh had C.L.W. and incised wound over the lateral side of chest and intercostal space and two other injuries. Therefore, the trial court came to the conclusion that in the same incident, these accused sustained injuries. The accused had examined Dr. Subhash Jugalsing in their defence to prove the certificates. In view of the above facts, the judgment of the trial court is proper. It is a well reasoned judgment and no interference is called. Hence leave refused. Application dismissed with Appeal.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)